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January 3, 2003

RECEIVED

JAN - 3 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Petition for Rulemaking
Mount Union, Huntingdon
and Centre Hall, Pennsylvania

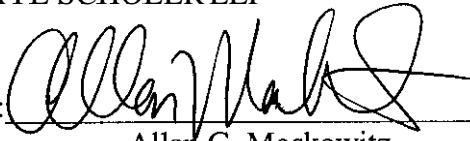
Dear Mr Canton:

On behalf of Megahertz Licenses, LLC, we are herewith filing an original and four (4) copies of its "Petition for Rulemaking" to reallocate Channel 292A from Huntingdon, Pennsylvania, to Mount Union, Pennsylvania, and modify the license of Radio Station WWLY(FM) accordingly; substitute Channel 258B1 for Channel 258A at Mount Union, Pennsylvania and reallocate the channel to Centre Hall, Pennsylvania and modify the license of Radio Station WXMJ(FM) accordingly.

Should any questions arise with respect to this matter, please contact the undersigned counsel.

Respectfully submitted,

KAYE SCHOLER LLP

By: 
Allan G. Moskowitz

cc: John Logan, Esq.

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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

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JAN - 3 2003

In The Matter of)

Amendment of Section 73.202(b))
of the Commission's Rules)
FM Table of Allotments)

MM Docket No. _____
RM- _____

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mount Union, Huntingdon,)
and Centre Hall, Pennsylvania)

TO: Chief, Allocations Branch)

PETITION FOR RULEMAKING

Megahertz Licenses LLC, ("Megahertz") by its counsel, and pursuant to Section 303 of the Communications Act of 1934, as amended, hereby requests that the Federal Communications Commission ("FCC" or "Commission") amend Section 73.202(b) of the Commission's Rules to (1) reallocate Channel 292A from Huntingdon, Pennsylvania to Mount Union, Pennsylvania and modify the license of Radio Station WWLY(FM) accordingly and (2) substitute Channel 258B1 for Channel 258A and reallocate the channel from Mount Union, Pennsylvania to Centre Hall, Pennsylvania as that community's first local service and modify the license of Radio Station WXMJ(FM), Mount Union, Pennsylvania accordingly.

In support thereof, the following is respectfully shown:

1. Megahertz is the licensee of Radio Station WXMJ(FM), Mount Union, Pennsylvania and is the licensee of Radio Station WWLY(FM), Huntingdon, Pennsylvania. Radio Station WXMJ(FM), Mount Union, Pennsylvania is currently licensed to operate at Channel 258A while Radio Station WWLY(FM), Huntingdon, Pennsylvania is currently licensed to operate on Channel 292A. The instant petition proposes to upgrade WXMJ(FM) to a Class B1 facility and relocate the channel to Centre Hall, Pennsylvania as that community's first local

service. Radio Station WWLY(FM), presently licensed to Huntingdon, Pennsylvania, will provide a replacement service to Mount Union, Pennsylvania.

2. Centre Hall, Pennsylvania is located in Centre County, Pennsylvania, in the approximate center of the state. Centre Hall had a 2000 U.S. Census population of 1,079 persons and was established in 1885. Centre Hall has an elected seven member borough council presided over by an elected mayor. Centre Hall provides fire, water and sewage services to the community. While its school district is part of the Penns-Valley Area School District which encompasses several townships, Centre Hall has its own elementary school. Centre Hall has four churches, a Lions Club, a Women's Club, a Garden Club and the Centre Hall Farmers and Businessmen's Association. Centre Hall has its own Post Office and own zip code, 16828, and its own branch public library of the county library system. Centre Hall also has numerous retail establishments. Centre Hall, therefore, has the social, economic and governmental indices to qualify as a community for allotment purposes. FM Channel Assignments(Biltmore Forest, North Carolina) 63 RR 2d 251 (1987). However, no AM or FM stations are currently licensed to Centre Hall, either commercial or non-commercial. Consequently, the reallocation of Channel 258 to Centre Hall will constitute the community's first local service.

3. The instant petition also proposes the reallocation of Channel 292A from Huntingdon, Pennsylvania to Mount Union, Pennsylvania as a replacement service to Channel 258A and the modification of Radio Station WWLY(FM)'s license accordingly. Full service Radio Stations WHUN(AM), operating at 1150kHz and WLAK(FM), operating at 103.5 MHz will remain as facilities licensed to Huntingdon, Pennsylvania and will continue to serve the community.

4. As indicated in the attached Engineering Statement of William J. Getz of Carl T. Jones Corporation, the instant proposal necessitates the modification of the allocation reference coordinates of Radio Station WZXR(FM), South Williamsport, Pennsylvania, operating on Channel 257A. Attached hereto is a letter of consent signed by Paul Rothfus, President of South Williamsport Sabrecom, Inc., licensee of Radio Station WZXR(FM). Further, in the event that grant of the instant proposal necessitates the relocation of WZXR(FM)'s transmitter site, Megahertz shall reimburse South Williamsport Sabrecom, Inc. for any and all relocation expenses.

5. The proposed reallocation complies with the Commission's Rules and would serve the Commission's allotment priorities and public interest. In Amendment of the Commission's Rules Regarding Modification of FM and TV and Authorizations to Specify a New Community of License, 4 FCC Rcd. 4870 (1989), recons. panted in part, 5 FCC Rcd. 7094 (1990), the Commission stated that the proposed channel must be mutually exclusive with the existing channel and the new community must be preferred over the existing community under the Commission's allotment priorities. Since we are proposing the substitution of Channel 258B 1 and the reallocation of the channel from Mount Union, Pennsylvania to Centre Hall, Pennsylvania, the proposal is mutually exclusive with the current use of Channel 258A.

6. Further, the new community, Centre Hall, will obtain a first local service whereas Mount Union, Pennsylvania will still be provided service by the reallocated station WWLY(FM) on Channel 292A. Again, Huntingdon will retain existing service from commercial AM and FM stations. Under the Commission's allotment criteria, a first local service is preferred over additional local services. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982).

7. The relocation of Radio Station WXMJ(FM) from Mount Union to Centre Hall will provide significant public service benefits. First, as noted above, Centre Hall must be preferred for a first local service. Furthermore, as indicated in the attached Engineering Statement, the combined gain and loss area created by the reallocation, change in reference coordinates and upgrade of WXMJ(FM) and the reallocation and change of reference coordinates of WWLY(FM) reflects a combined gain area of 198,013 persons in an area of 4,430 square kilometers compared to a combined loss in population of 9,251 persons in 495 square kilometers. Moreover, as indicated, the proposed arrangement of allotments will achieve a net extension of service to a large, presently underserved area of 896 square kilometers and 12,478 persons.

8. Petitioner hereby states that should the Commission grant the instant proposal to substitute Channel 258B1 for Channel 258A and reallocate the channel from Mount Union, Pennsylvania to Centre Hall, Pennsylvania and modify the license of WXMJ(FM) accordingly, and to reallocate Channel 292A from Huntingdon, Pennsylvania to Mount Union, Pennsylvania and modify the license of WWLY(FM) accordingly, petitioner will file applications for the new facilities and will implement those applications expeditiously.


9. Megahertz submits that its instant petition will provide many public service benefits. First, the reallocation of Channel 258 from Mount Union to Centre Hall, Pennsylvania will provide that community with its first local aural service. Further, the proposal will allow WXMJ(FM) to upgrade to a Class B1 facility while allowing Radio Station WWLY(FM), presently licensed to Huntingdon, to provide a replacement service to Mount Union, Pennsylvania while several radio stations will still remain to provide local service to Huntingdon. Furthermore, as indicated in the attached Engineering Statement, there will be a significant net

gain in both area and population by the grant of the instant petition and, in fact, there will be a significant gain in area and population in underserved areas, i.e., less than five aural services.

Wherefore, for the foregoing reasons, Megahertz Licenses LLC respectfully requests that the Commission amend its Table of Allotments to upgrade Channel 258A to Channel 258B1 and reallocate the channel to Centre Hall, Pennsylvania and modify the license of WXMJ(FM) accordingly, and reallocate Channel 292A from Huntingdon, Pennsylvania to Mount Union, Pennsylvania and modify the license of WWLY(FM), Huntingdon, Pennsylvania accordingly.

Respectfully submitted,

MEGAHERTZ LICENSES LLC

By: 

Allan G. Moskowitz
Its Attorney

KAYE SCHOLER LLP
901 15th Street, N.W., Suite 1100
Washington, D.C. 20005
(202) 682-3500

January 3, 2003

CONSENT

South Williamsport Sabrecom, Inc., licensee of broadcast radio station **WZXR(FM)**, South Williamsport, Pennsylvania, hereby consents to (1) the modification of **WZXR(FM)**'s reference point coordinates to 41 14'06" N, 76 51' 02"W **and**, (2) if necessary, the **filing** of **any** requisite applications to implement the changes resulting **from** the favorable disposition of the "Petition for Rulemaking" to **be** filed by Megahertz Licenses, LLC, for the benefit of radio station **WWLY(FM)**, Channel 292A, Huntingdon, Pennsylvania, **and** radio station **WXMJ(FM)**, Channel 258A, Mt. Union, Pennsylvania.

**SOUTH WILLIAMSPORT SABRECOM,
INC.**

By:



1

Barry Drake
President

December 27, 2002

Date



**STATEMENT OF WILLIAM J. GETZ
IN SUPPORT OF A PETITION TO AMEND
THE FM TABLE OF ALLOTMENTS**

I am a Radio Engineer, an employee in the firm of Carl T. Jones Corporation with offices located in Springfield, Virginia. My education and experience are a matter of record with the Federal Communications Commission.

This office has been authorized to prepare this statement and the supporting exhibits in support of a Petition to Amend the FM Table of Allotments, Section 73.202(b) of the FCC Rules. The petitioner requests that Section 73.202(b) of the FCC Rules be modified in the following manner:

	<u>Present</u>	<u>Proposed</u>
Mount Union, PA	258A	292A
Huntingdon, PA	278A, 292A	278A
Centre Hall, PA	----	258B1

Radio station WXMJ(FM), Mount Union, PA, is currently licensed to operate on Channel 258A (FCC File No. BLH-19900328KB). Radio station WWLY(FM), Huntingdon, PA, is currently licensed to operate on Channel 292A (FCC File No. BLH-19920316KC). This Petition for Rulemaking will allow WXMJ(FM) upgrade to a Class B1 facility and relocate in order to provide a first local service to Centre Hall, Pennsylvania (2000

STATEMENT OF WILLIAM J. GETZ
PAGE 2

population: 1,079 persons). Radio station WWLY(FM), presently licensed to Huntingdon, PA, will provide a replacement service to Mount Union, PA. Full service radio stations WHUN(AM) [1150 kHz] and WLAK(FM) [103.5 MHz] will remain to provide local service to Huntingdon.

In accordance with the requested modifications to the FM Table of Allotments, the Petitioner requests that the licenses of stations WXMJ(FM) and WWLY(FM) be modified to specify operation on channels 258B1 at Centre Hall and 292A at Mount Union, respectively.

ALLOCATION CONSIDERATIONS

Channel 258B1, Centre Hall, PA, in lieu of Channel 258A, Mount Union, PA

An engineering study of all pertinent allotments, assignments and applications revealed that WXMJ(FM), Mount Union, PA, (Channel 258A) can be upgraded and reallocated to Centre Hall, Pennsylvania, as the community's first local service. The allotment reference coordinates for Channel 258B1 at Centre Hall are **40° 46' 39" N.L. and 77° 49' 26" W.L.** This represents a site restriction of 14.0 kilometers from Centre Hall (the Class B1 city-grade distance is 23.2 kilometers). The Centre Hall allotment reference site meets allotment standards, the minimum spacing requirements of §73.207 and the city-grade coverage requirements of §73.315 of the FCC rules. In addition to being a first local service at Centre Hall, additional public interest benefits associated with the proposed arrangement of allotments are discussed below.

STATEMENT OF WILLIAM J. GETZ
PAGE 3

Channel 292A, Mount Union, PA, in lieu of Channel 292A, Huntingdon, PA

An engineering study of all pertinent allotments, assignments and applications revealed that WWLY(FM), Huntingdon, PA, (Channel 292A) can be reallocated to Mount Union, Pennsylvania, to preserve local service with a site restriction of 14.5 kilometers. The allotment reference coordinates for Channel 292A at Mount Union are **40° 15' 18" N.L. and 77° 51' 41" W.L.** The Mount Union allotment reference site meets allotment standards, the minimum spacing requirements of §73.207 and the city-grade coverage requirements of §73.315 of the FCC rules. In addition to preserving local service at Mount Union, and accommodating a new first local service at Centre Hall, additional public interest benefits associated with the proposed arrangement of allotments are discussed below.

Change in Allotment Reference Coordinates, WZXR(FM), South Williamsport, PA

To accommodate the new first local service at Centre Hall, the proponent identified an alternate allotment reference site for WZXR(FM), South Williamsport, PA. Radiostation WZXR(FM) is licensed to operate on Channel 257A (FCC File No. BLH-950113KA). It is requested herein to modify the allocation reference coordinates for Channel 257A at South Williamsport to **41° 14' 06" N.L. and 76° 51' 02" W.L.** This represents a site restriction of 12.4 kilometers from South Williamsport (the Class A city-grade distance is 16.2 kilometers). The new South Williamsport allotment reference site meets allotment standards, the minimum spacing requirements of §73.207 and the city-grade coverage

requirements of §73.315 of the FCC Rules. In addition to accommodating a new first local service at Centre Hall, additional public interest benefits associated with the proposed change at South Williamsport are discussed below.

PUBLIC INTEREST BENEFITS

Table 1, attached, is a summary of the public interest benefits associated with the proposed arrangement of allotments. Exhibit 1 is a map which shows gain and loss areas associated with the proposed WXMJ(FM) upgrade, reallocation and relocation combined with the gain and loss areas associated with the WWLY(FM) reallocation and relocation. Exhibit 2 is a map which shows the gain area and the loss area associated with the changed in the allocation reference coordinates for WZXR(FM), South Williamsport, PA. Other aural services available to the gain and loss areas are also shown on Exhibit 1 and Exhibit 2.

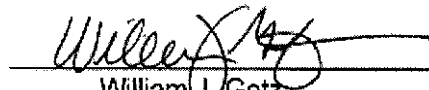
As shown on Table 1, the change in the WZXR(FM) allocation reference coordinates will create a gain area and a loss area to a well-served population (5 or more aural services available to the WZXR(FM) entire gain and loss area). The WXMJ/WWLY proposal will extend service to a substantial gain area (4,934 km²) and to a substantial population (198,013 persons). Moreover, as shown in Table 1 (page 2 of 2), the proposed arrangement of allotments will achieve a net extension of service to a large, presently underserved, area of 896 km². A net of 12,478 persons presently within an underserved area will gain an aural service as a result of the instant proposal.

STATEMENT OF WILLIAM J. GETZ
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For the FM stations considered in the gain/loss studies, the 60 dBu coverage is based on maximum Class circles assuming uniform terrain and omnidirectional signals operating at maximum facilities for all classes of stations except Class C stations.¹ No AM stations were found to serve the areas under study with nighttime interference-free coverage.

This statement and the supporting exhibits were prepared by me or under my direct supervision and are believed to be true and correct.

DATED: December 23, 2002


William J. Getz

¹ See Report and Order in MM Docket No. 99-207, RM-9626 (Amendment of Section 73.202(b), Table of Allotments, Kuna, Idaho). Released March 17, 2000.

**Public Interest Showing Summary
Proposed Rulemaking
December, 2002**

WZXR, South Williamsport, PA

Gain and Loss Area created by proposed change in allocation reference coordinates

<u>Minimum Number of Aural Services Available</u>	<u>Maximum Number of Aural Services Available</u>	<u>Description of Area Under Study See Map - Exhibit 2</u>	<u>Area (km²)</u>	<u>Population 2000 Census</u>
5	15	WZXR Gain Area	504	5,620
13	19	WZXR Loss Area	504	18,648

WXMJ, Mount Union to Centre Hall and WWLY, Huntingdon to Mount Union

Combined Gain and Loss Areas created by reallocation, change in reference coordinates and upgrade of WXMJ and reallocation and change in reference coordinates of WWLY

<u>Minimum Number of Aural Services Available</u>	<u>Maximum Number of Aural Services Available</u>	<u>Description of Area Under Study See Map - Exhibit 1</u>	<u>Area (km²)</u>	<u>Population 2000 Census</u>
2 [N]	15	North Gain Area	3,440	185,354
1 [S]	6	South Gain Area	990	12,659
5	6	East Loss Area	33	254
4 [W]	10	West Loss Area	462	8,997

* Note all of the gain and loss areas are well-served (5 or more aural services) except the areas indicated above with [N], [S] and [W]. Further details pertaining to these areas are contained below

[N] : In the North Gain Area WXMJ will be either a 3rd, 4th or 5th aural service to an area of 228 km² which contains a population of 5,630 persons.

[S] : In the South Gain Area WWLY will be either a 2nd, 3rd, 4th or 5th aural service to an area of 668 km² which contains a population of 8,222 persons.

[W] : In the West Loss Area the proposed arrangement of allotments will create a new underserved area of 42 km², containing a population of 1,374 persons, where 4 aural services will be left.

**Public Interest Showing Summary
Proposed Rulemaking
December, 2002**

Net Gain Area and Loss Area Statistics

Total Gain Area	=	4,934	km ²
Total Loss Area	=	999	km ²
NET	=	3,935	km² GAIN AREA

Total Population in Gain Area	=	203,633	persons
Total Population in Loss Area	=	27,899	persons
NET	=	175,734	Population GAINED

Total Underserved Area which will receive a new aural service	=	896	km ²
New Underserved Area	=	42	km ²
NET	=	854	km² Underserved Area which will GAIN an aural service

Total population in underserved area which will receive a new aural service	=	13,852	persons
Total population in new underserved area	=	1,374	persons
NET	=	12,478	persons in Underserved Area will GAIN an aural service

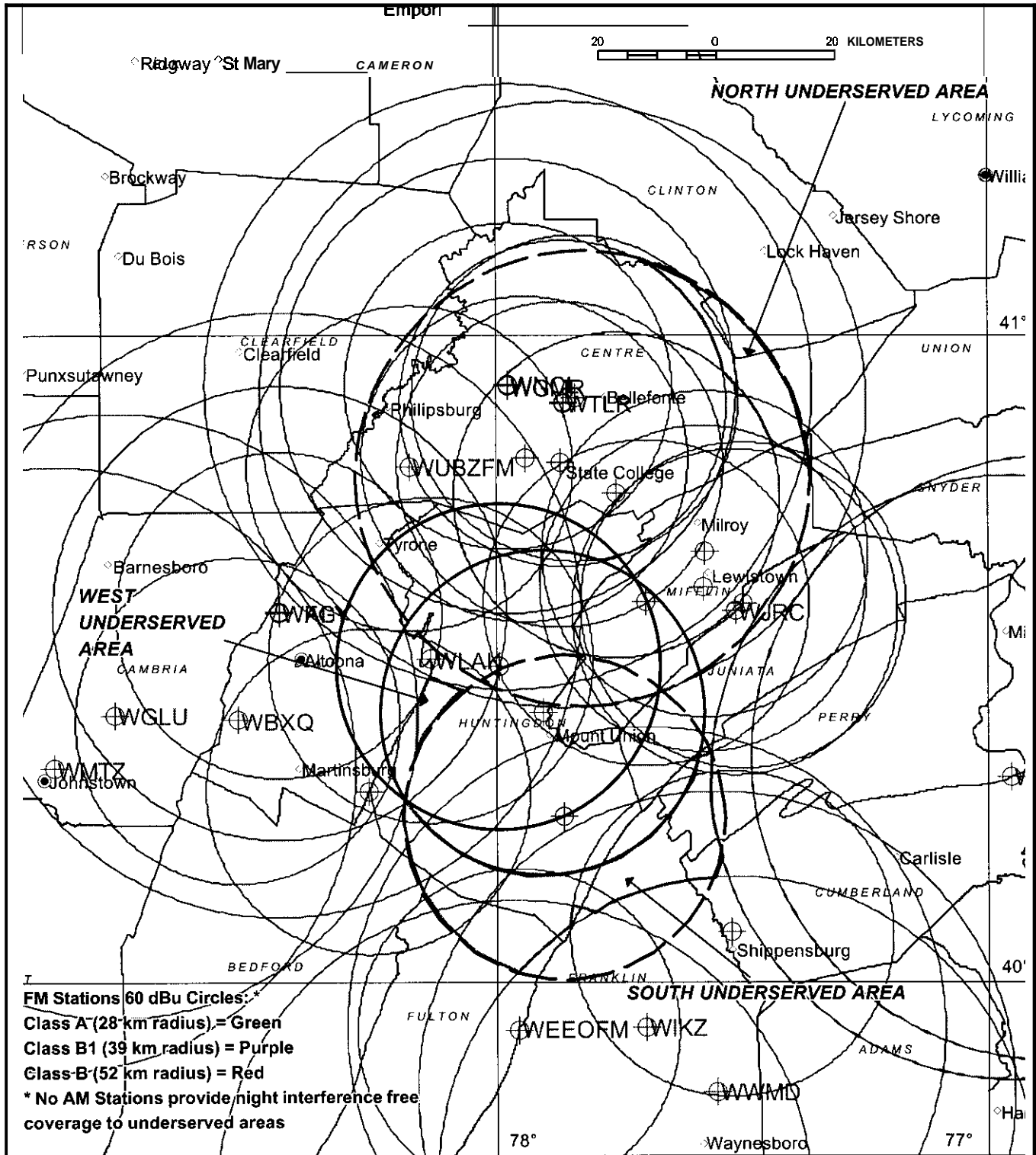
Subject Stations 60 dBu Circles:

WXMJ Present Mt. Union Ch. 258A = Heavy Red Solid

WXMJ Proposed Centre Hall Ch. 258B1 = Heavy Red Dashed

WWLY Present Huntingdon Channel 292A = Heavy Black Solid

WWLY Proposed Mt. Union Channel 292A = Heavy Black Dashed

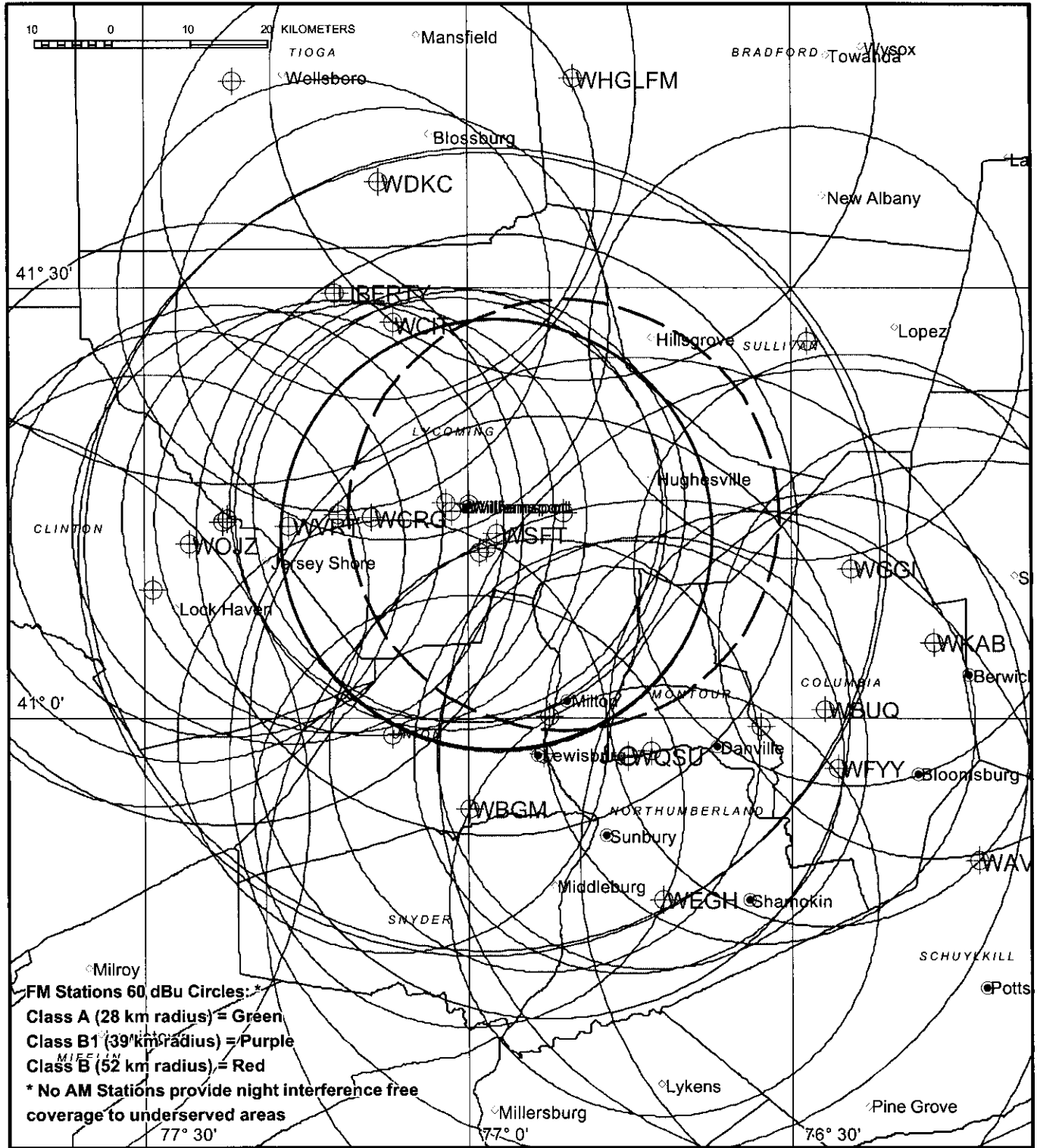


OTHER AURAL SERVICES
AVAILABLE TO WXMJ AND WWLY
GAIN AND LOSS AREAS
DECEMBER, 2002

Subject Stations 60 dBu Circles:

WZXR Present South Williamsport Ch. 257A = Heavy Red Solid

WZXR Proposed South Williamsport Ch. 257A = Heavey Red Dashed

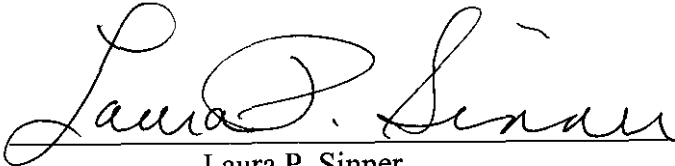


OTHER AURAL SERVICES
AVAILABLE TO WZXR
GAIN AND LOSS AREAS
DECEMBER, 2002

CERTIFICATE OF SERVICE

I, Laura P. Sinner, of the law firm Kaye Scholer LLP do hereby certify that on this 3rd day of **January**, 2003, a copy of the foregoing "Petition **for** Rulemaking" was hand-delivered to the following:

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554


Laura P. Sinner